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Attorney Docket No. VPI/00-115 CIP US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS: Kuida et al.

ASSIGNEE: Vertex Pharmaceuticals Incorporated

SERIAL NUMBER: 09/922,584

EXAMINER: Not Yet Assigned

FILING DATE: August 3, 2001

ART UNIT: 1646

FOR:

ERK-5 DEFICIENT ANIMALS AND METHODS OF INHIBITING  
ANGIOGENESIS THROUGH THE INHIBITION OF ERK-5

October 9, 2002

Cambridge, Massachusetts

Commissioner for Patents  
Washington, D.C. 20231

**INFORMATION DISCLOSURE STATEMENT**

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicants hereby make of record the documents listed below and on the attached modified Form PTO-1449 (submitted in duplicate) in the above-identified application, copies of which are submitted herewith. The order of presentation of the references should not be construed as an indication of the importance of the references.

This Information Disclosure Statement is being been filed:

- ☐ within three months of the filing date of the National Application;
- ☐ within three months of the filing date of the entry of the National Stage, as set forth in 37 C.F.R. §1.491, in an International Application; or
- ☒ before the mailing date of a first Office Action on the merits in the above-identified case.

Accordingly, no fee or certification is required. 37 C.F.R. §1.97.

A copy of the references are enclosed unless otherwise indicated on the attached Form PTO-1449 (modified). It is respectfully requested that the Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims, and signs the enclosed form PTO-1449 to evidence that the

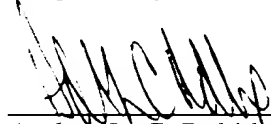
APPLICANTS: Kuida, et al.  
U.S.S.N.: 09/922,584

cited information has been fully considered by the Patent and Trademark Office during the examination of this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that: (1) a search has been performed, of the extent of any search performed, or that more relevant information does not exist; (2) the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b); and (3) the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his/her own conclusion regarding the relevance of the cited information. An early and favorable action is hereby requested. Please charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0725, Reference No. VPI/00-115 CIP US.

Respectfully submitted,

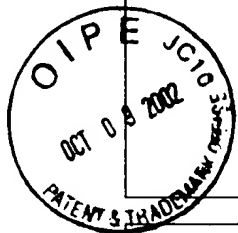


Andrea L. C. Robidoux

Reg. No. 47,902

Agent for Applicant

c/o Vertex Pharmaceuticals Incorporated  
130 Waverly Street  
Cambridge, Massachusetts 02139  
Tel: (617) 444-6731  
Fax: (617) 444-6483



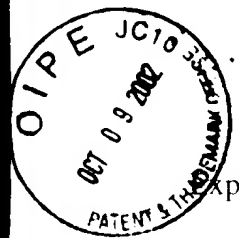
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| Modified Form 1449/P10<br><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br>(use as many sheets as necessary) | <b>Application Number</b>     | 09/922,584        |
|                                                                                                                                 | <b>Filing Date</b>            | August 2, 2001    |
|                                                                                                                                 | <b>First Named Inventor</b>   | K. Kuida          |
|                                                                                                                                 | <b>Group Art Unit</b>         | 1646              |
|                                                                                                                                 | <b>Examiner Name</b>          | Not Yet Assigned  |
|                                                                                                                                 | <b>Attorney Docket Number</b> | VPI/00-115 CIP US |

| U.S. PATENT DOCUMENTS |          |                          |            |                                     |       |           |                            |
|-----------------------|----------|--------------------------|------------|-------------------------------------|-------|-----------|----------------------------|
| Exam Initials         | Cite No. | U.S. Patent Document No. | Issue Date | Name of Patentee(s) or Applicant(s) | Class | Sub Class | Filing Date If Appropriate |
|                       |          |                          |            |                                     |       |           |                            |
|                       |          |                          |            |                                     |       |           |                            |
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| FOREIGN PATENT DOCUMENTS |          |                                       |                                                               |                     |                    |  |
|--------------------------|----------|---------------------------------------|---------------------------------------------------------------|---------------------|--------------------|--|
| Exam Initials            | Cite No. | Foreign Patent Document Office Number | Name of Patentee(s) or Applicant(s)                           | Date of Publication | Translation Yes No |  |
|                          | B1       | WO 94/21781                           | Max-Planck-Gesellschaft Zur Förderung Der Wissenschaften E.V. | 29-Sep-1994         |                    |  |
|                          |          |                                       |                                                               |                     |                    |  |
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|                          |          |                                       |                                                               |                     |                    |  |

| OTHER NON PATENT LITERATURE DOCUMENTS |          |                                                                                                                                                                       |
|---------------------------------------|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Exam Initials                         | Cite No. | Name of Author, Title (when appropriate), Publication, Volume, Page(s), Date, Etc.                                                                                    |
|                                       | C1       | Regan, C. P., et al., "Erk5 null mice display multiple extraembryonic vascular and embryonic cardiovascular defects," Proc. Natl. Acad. Sci. 99(14):9248-9253 (2002). |
|                                       | C2       | Yang, J., et al., "Mekk3 is essential for early embryonic cardiovascular development," Nat. Gene., 24(3):309-313 (2000).                                              |
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**Certificate Of Mailing Under 37 C.F.R. § 1.10**

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I hereby certify that the following documents:

1. Information Disclosure Statement (in duplicate);
2. PTO-1449 Form (in duplicate);
3. Cited references B1, C1-C2;
4. Copy of International Search Report; and
5. this return postcard receipt.

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to the Commissioner for Patents, Washington D.C. 20231

Karen DiRocco  
(type or printed name of person mailing document(s))

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